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Title: Rejected Load Manifest Signatures, Rejected Load Manifest Distribution, and Rejected Mixed Load Procedures

Identification Number: WASTE-0012-NPD

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Other Policies Repealed or Amended: None

Citations Affected: IC 13-22-5

Brief Description of Subject Matter: IC 13-22-5 allows TSD's to reject hazardous waste shipments. It indicates that generators may accept back onto their property hazardous waste which was originally generated by them and rejected by a TSD after the original manifest was signed. A new manifest can be diverted to another TSD or returned to the generator. It is the generator's responsibility to complete a new manifest and follow the instructions found at IC 13-22-5 (also explained in Chapter 3, Section I, of the Manifest Guidance Manual). The Department has received numerous questions regarding procedures to be followed in the event a load is rejected. The following is an IDEM analysis of the rejected load statutes.

This nonrule policy document is intended solely as guidance and does not have the effect of law or represent formal Indiana Department of Environmental Management (IDEM) decisions or final actions. This nonrule policy document shall be used in conjunction with applicable laws. It does not replace applicable laws, and if it conflicts with these laws, the laws shall control. A revision to this nonrule policy document may be put into effect by IDEM thirty (30) days after the revised nonrule policy document is made available for public inspection and comment and is presented to the Solid Waste Management Board. IDEM will submit revisions to the Indiana Register for publication.

REJECTED LOAD MANIFEST SIGNATURES,
REJECTED LOAD MANIFEST DISTRIBUTION,
and
REJECTED MIXED LOAD PROCEDURES

IC 13-22-5 allows TSD's to reject hazardous waste shipments. It indicates that generators may accept back onto their property hazardous waste which was originally generated by them and rejected by a TSD after the original manifest was signed. A new manifest must be used. The shipment can be diverted to another TSD or returned to the generator. It is the generator's responsibility to complete a new manifest and follow the instructions found at IC 13-22-5 (also explained in Chapter 3, Section I, of the Manifest Guidance Manual). The Department has received numerous questions regarding procedures to be followed in the event a load is rejected. The following is an IDEM analysis of the rejected load statutes.

REJECTED LOAD MANIFEST SIGNATURES

U.S. DOT regulations require that shipping papers (i.e., the manifest for hazardous wastes) contain the certification language and a signature regarding shipping name, marking, and packaging found in item 16. In other words, item 16 must include a signature.

It is clearly stated in the rejected load statute (IC 13-22-5-4) that a TSD that rejects all or part of a shipment shall not be considered a generator of the rejected hazardous waste or be liable for any rejected part of the shipment. It was the intent of the statute that the generator remains responsible for the waste generated at their facility. At Section 6 (a), the rejected load statute requires generators to comply with all of the standards applicable to generators of hazardous waste. This would include signing the generator certification at item 16. In other words, the original generator of the waste is required to sign the new manifest at item 16.

To summarize, the original generator must strike out the words "designated facility" in item 9, insert the word "generator," and complete items 9, 10, and H with the generator information. The generator then signs line 16. In order to do this, the generator may need to physically be present at the TSD. The generator may also make arrangements for the TSD to sign the manifest as their agent or representative, but it is the generator who is certifying that the waste is in proper condition for transport. When the rejected waste and the manifest are received by the generator, the generator should line out the words "Facility Owner or Operator" in item 20 and insert the words "Receiving Generator," and sign and date item 20. In other words, the generator is required to sign item 16 and item 20.

It is recognized that out-of-state generators may not be familiar with Indiana rejected load procedures and that in-state TSD's, and IDEM itself, are limited in their ability to compel out-of-state generators, in certain circumstances, to follow Indiana manifest rules and statutes. IDEM will, when necessary, work with other state regulatory agencies to resolve rejected load issues. TSD's and generators are urged to contact IDEM for guidance on a case-by-case basis when there are questions about specific situations.

DISTRIBUTION OF RETURNING MANIFESTS FROM A REJECTED LOAD

When a new manifest is created to return a rejected load back to the generator the distribution of the manifest copies should be as follows:

Hazardous Waste Handler	Copies Distributed and Retained
Rejecting TSD Facility	Retains one copy sends rest with shipment
	Receives copy from Receiving Generator and keeps for 3 years
Transporters	Retain one copy for 3 years
Receiving Generator	Retains one copy for 3 years
	Mails one copy to Rejecting TSD Facility

REJECTED MIXED LOAD PROCEDURES

There may also be situations where hazardous waste from more than one generator has been mixed together by the transporter, and the waste is rejected by the TSD. Section 11 of the rule requires that the transporter assume all responsibility for proper disposition of the rejected waste. In other words, if hazardous waste is mixed, the transporter becomes the generator of the rejected waste. Procedures for completing a rejected waste manifest would then be followed as required for generators. The preferred option for managing the rejected waste would be for the entire load to be rejected to an alternate TSD (as discussed in Chapter 3, Section I, of the Manifest Guidance Manual). If the mixed load cannot be forwarded to an alternate TSD within the timeframes specified in the rejecting facility's permit, the next preferred option would be for the rejected load to be manifested back to one of the generators to be managed under 90-day standards. The third, and least preferred, option is to return the mixed load by manifest to a site specified by the transporter (since they are the de facto generator), where all applicable generator rules would apply (site notification requirements, 90-day accumulation limit, waste determinations, manifest rules, container management standards, etc.). In this situation, if the specified site does not have an EPA ID#, the transporter must obtain one prior to transporting the waste. Again, TSD's and generators are advised to contact IDEM staff with questions about specific rejected load situations.

If you need additional information, or have any questions or concerns, please contact staff of the Compliance and Response Branch, Office of Land Quality at 317/308-3103. The IDEM toll-free telephone number is 1-800-451-6027.